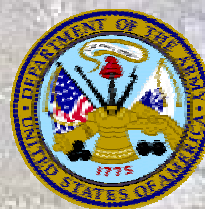


Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ JANUARY 2003 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in Federal Regions 6 and 7. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please email CREO.Regulatory.Specialist@nwk02.usace.army.mil or phone (816) 983-3444 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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GENERAL INFORMATION

Pilot Version of Environmental Compliance Status Report. The EPA's Federal Facilities Enforcement Office is seeking comment from government agency users about its new pilot online version of the Environmental Compliance Status Report. The ECSR enables federal agencies to research, track and monitor the environmental compliance history and current status of regulated federal facilities. The FFEO will accept comments through 31 January 2003. For more information, please contact Rich Satterfield at satterfield.richard@epa.gov or visit <http://www.epa.gov/idea/fedfac>.

EPA Strategic Plan. The EPA is developing its new fiscal year 2003-2008 Strategic Plan. The strategic plan will lay out the EPA's five long-term goals and guide it in establishing the annual goals. More information about the draft strategic plan is available at <http://www.epa.gov/ocfo/plan/plan.htm>. Comments on the strategic plan are solicited at http://www.epa.gov/ocfo/plan/plan_comments.htm.

ASSISTANCE INFORMATION

National Environmental Compliance Assistance Clearinghouse. Need help understanding environmental regulations? This innovative web site provides quick access to compliance assistance tools, contacts, and planned activities from the EPA, its partners, and other compliance assistance providers. The clearinghouse, at <http://www.epa.gov/clearinghouse>, offers over 5,000 web resources.

MDNR Listservs. Subscribe to MDNR's listservs at <http://www.dnr.state.mo.us/oac/gov-list.htm> and receive timely information about environmental topics that concern you.

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REGIONAL MEETINGS

DoD Texas Air Workgroup Meeting. This workgroup meeting is scheduled for **28-29 January 2003** in **Corpus Christi, Texas**. For further information, please contact the Army Region 6 REC at (816) 983-3450.

Southwest Strategy Tribal Relations Workgroup Meeting. This workgroup meeting is scheduled for **29 January 2003** in **Cocopah Indian Reservation, Somerton, Arizona**. For further information, please contact Jim Mayer at (816) 983-3451.

Region 7 P2 Roundtable Meeting. This meeting is scheduled for **12-14 May 2003** in **Kansas City, Kansas**. For further information, please contact the Army Region 7 REC at (816) 983-3445.

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TRAINING COURSES AND WORKSHOPS

MDNR Workshops for Online Emissions Inventories. MDNR's Environmental Assistance Office will be offering workshops for users of Missouri's new online Emissions Inventory Questionnaire system in 2003. The Internet-based system for entering emission inventory data will be available for businesses to use for their calendar 2002 emissions reporting. Workshop locations and dates are being finalized. When the workshops are scheduled, they will be announced at <http://www.dnr.state.mo.us/oac/calendar.htm>. For more information, please contact Omer Roberts, MDNR, at (800) 361-4827 or at (573) 526-6627.

EPA Environmental Response Training Program. The latest information on all ERTTP training is available at <http://www.trainex.org> (including specific locations of the training). For further information, please contact Patricia Maxwell, EPA, at Maxwell.Patricia@epamail.epa.gov.

DoD American Indian Cultural Communications Course. This course is designed to help staff at DoD facilities understand the DoD American Indian/Alaska Native Policy and how to implement it at their sites. The following topics will be covered: History of Indian Laws and the Legal Base for DoD Policy, Federal Laws and Policies Impacting DoD Relationships with Indian Tribes, Introduction to Tribal Concepts and Culture, Cross Cultural Communication, Strategies for Consulting with Tribes, and Skills for Managing Conflict. A two-minute video overview is available at <https://www.denix.osd.mil/denix/Public/Native/trainingcourse.html>. The course is scheduled for **27-30 January 2003** in **Tucson, Arizona**. For further information, please contact Dr. Donata Renfrow at (678) 357-6513 or donata@mindspring.com.

EPA UXO Course. This course will provide an overview of technical training essential to project managers involved in the investigation and cleanup of ordnance and explosives at CTT ranges, and other closed or closing ammunition sites such as ammunition depots, storage areas, and manufacturing areas. The training is intended to give technical project managers enough knowledge of OE issues to prepare for, plan and conduct an OE investigation. The Systematic Planning Process is emphasized as a model for project planning. The course is scheduled for **28-30 January 2003** in **San Francisco, California**. For further information, please contact ChereAmie Bischoff, EPA, at (415) 972-3234 or bischoff.chereamie@epa.gov.

TCEQ Composting Workshops. TCEQ workshops on the beneficial use of compost show how to save money and get better results from landscaping. Upcoming workshops are scheduled for the following dates:

- **30 January 2003** in **Plano, Texas**
- **6 February 2003** in **Brownsville, Texas**
- **13 February 2003** in **Fort Worth, Texas**
- **20 February 2003** in **Lubbock, Texas**
- **6 March 2003** in **Terrell, Texas.**

For further information, please visit <http://www.tnrcc.state.tx.us/exec/oppr/compost/workshops.html>, or call (512) 239-6780.

DSMOA Workshops. The DSMOA training workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. The workshop with Region 7 participating states (Nebraska, Kansas and Missouri) is scheduled for **18-19 March 2003** in **Colorado Springs, Colorado**. The workshop with Region 6 participating states (New Mexico, Texas, Louisiana, Oklahoma) is scheduled for **22-23 April 2003** in **San Antonio, Texas**. For further information, please visit <http://www.denix.osd.mil/denix/State/DSMOA/news.html> or contact John Pike at (214) 767-4671 or john.pike@brooks.af.mil.

CECOS Environmental Negotiation Workshop. This course provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. The course stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision making. The course is scheduled for **18-20 March 2003** in **Silverdale, Washington**, and **20-22 May 2003** in **Jacksonville, Florida**. For further information, please visit <http://www.cecocos.navy.mil> or contact David Bell, CECOS, at (805) 982-6528.

Army Environmental Training Symposium/Workshop. The first ever Army Environmental Training Symposium/Workshop is scheduled for **24-28 March 2002** in **Kansas City, Missouri**. The workshop will primarily consist of numerous environmental short courses and seminars, and is intended to provide (1) awareness and training in Army environmental programs and specific environmental subject areas, (2) preparation for the new installation management business models (i.e., TIM and EMS), and (3) improved installation staff opportunities to obtain program updates and share lessons learned. The workshop will focus on installation level requirements. For further information, please contact Susan West, U.S. Army Training and Doctrine Command, at (757) 788-2279 or wests@monroe.army.mil; or contact Susan Thomas, USAEC, at (410) 436-6899 or Susan.Thomas@aec.apgea.army.mil.

CHPPM Health Risk Communication Workshops. CHPPM is offering introductory and intermediate health risk communication workshops in 2003 throughout the country. The workshop will show you how to identify, build, maintain and utilize strategic partnerships and plans that will support your organization's mission now and in the future. There are no workshops scheduled in Region 7 for 2003, but there is an Intermediate Health Risk Communication workshop scheduled in Region 6 for **12-15 May 2003** in **San Antonio, Texas**. For more information, please visit <http://chppm-www.apgea.army.mil/risk>, or contact Suaquita Perry, CHPPM, at (410) 436-3515.

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CONFERENCES AND SYMPOSIUMS

Missouri Natural Resources Conference 2003. This conference, titled "Facing Resource Issues in the Midwest – From Research to the Field," is scheduled for **29-31 January 2003** in **Lake of the Ozarks, Missouri**. More information about the conference is available at <http://mnrc.org>. For further information, please call Ruth Wallace at (816) 759-7300 ext. 2223 or wallar2@mdc.state.mo.us.

Kansas Works! 2003 Conference. Two Kansas conferences on solid waste management – Works! and HHW – have merged into one. The Works! 2003 conference on recycling, composting and household hazardous waste is scheduled for **18-20 March 2003** in **Winfield, Kansas**. The conference will include opportunities to learn about

source reduction, recycling, composting, and household hazardous waste. For more information, please contact Rob Bradford at (800) 282-9790 or (785) 296-1600.

National Pollution Prevention Roundtable Spring Conference. The P2 Roundtable will bring together the most preeminent pollution prevention practitioners and experts to share the latest in policy, regulatory and technical information. The meeting will feature special tracks on EMSs and P2, international sustainability policy discussions as a follow-up to the World Summit, and P2's role in addressing global climate change challenges. The conference is scheduled for **4-11 April 2003** in **Louisville, Kentucky**. For further information, please visit <http://www.p2.org/events/spring2003>.

NDIA's 29th Environmental and Energy Symposium and Exhibition. This symposium will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. The symposium is scheduled for **7-10 April 2003** in **Richmond, Virginia**. For further information, please contact Derek Jenks, NDIA, at djenks@ndia.org or visit <http://register.ndia.org/interview/register.ndia?~Brochure~3440>.

2003 Region 7 Environmental and Safety Symposium. This symposium is a business and industry-focused conference that reaches beyond the compliance stage and into environmental policy and corporate management. Presented by Associated Industries of Missouri, the symposium is scheduled for **8-9 May 2003** in **Kansas City, Missouri**. Symposium topics include (1) new and innovative ideas/success stories, (2) small business/one person environmental health and safety, (3) air compliance/enforcement, and (4) water compliance/enforcement. For further information, please visit <http://www.aimo.com/events.htm>.

U.S. Department of Interior Environmental Conference. The annual DOI Conference on the Environment will be held **13-15 May 2003** in **Phoenix, Arizona**. Hosted by USFWS, the conference is themed "Partnering for Environmental Stewardship: Resource Conservation for the Future." For further information, please visit <http://www.doi.gov/conference/environment>.

11th Annual Global Demilitarization Symposium and Exhibition. The Joint Ordnance Commanders Group and NDIA will conduct this symposium **19-22 May 2003** in **Sparks, Nevada**. This event continues to support the DoD in efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on the global challenges and successes experienced in the disposition of energetic materials. For further information, please contact Tim Becker or Dawn Harper, NDIA, at (703) 247-2573, or email tbecker@ndia.org or dharper@ndia.org.

Real World Clean Air Symposium. This tri-service and federal agency forum is scheduled for **20-22 May 2003** in **Seattle, Washington**. Topics to be covered include installation sustainability, EMSs, NAAQSs, installation air program management, pollution prevention, conformity/NEPA, legal issues, and homeland security. For further information, please visit <http://www.usasymposium.com> or call (937) 254-7950.

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FEDERAL ACTIONS

EPA FINAL RULES

Withdrawal of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Vermont, the District of Columbia, Kansas and New Jersey (67 FR 71843; 3 December 2002). In 1992, EPA promulgated federal regulations establishing water quality criteria for toxic pollutants for 12 states and 2 territories, including Vermont, the District of Columbia, Kansas and New Jersey. These states have now adopted, and the EPA has approved, human health and aquatic life water quality criteria for many of these pollutants. The EPA is amending the federal regulations to withdraw certain human health and aquatic life water quality criteria applicable to these states. The effective date of this rule was 2 January 2003. For further information, please contact Thomas Gardner, EPA, at 202-566-0386 or gardner.thomas@epa.gov.

Approval and Promulgation of Implementation Plans for Texas: Transportation Control Measures Rule (67 FR 72379; 5 December 2002). The EPA is approving a revision to the Texas SIP that contains the

transportation control measures rule. The requirements in the state TCM rule address the roles and responsibilities of the Metropolitan Planning Organizations and implementing transportation agencies, and provide a method for substitution of specific TCMs without a SIP revision in the nonattainment and maintenance areas. The TCM rule is intended to promote effective implementation of TCMs, provide consequences for non-implementation, establish a streamline TCM substitution process and approval, and increase interaction between the TCEQ and the Metropolitan Planning Organizations in the air quality transportation planning process at the local levels. The effective date of this rule was 6 January 2003. For further information, please contact Joe Kordzi, EPA, at (214) 665-7186.

Prevention of Significant Deterioration and Nonattainment New Source Review: Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects (67 FR 80185; 31 December 2002). The EPA is revising regulations governing the NSR programs mandated by parts C and D of title I of the Clean Air Act. These revisions include changes in NSR applicability requirements for modifications to allow sources more flexibility to respond to rapidly changing markets and to plan for future investments in pollution control and prevention technologies. The effective date of this rule is 3 March 2003. For further information, please contact Lynn Hutchinson, EPA at 919-541-5795 hutchinson.lynn@epa.gov.

Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities; Final Rule and Proposed Rule (67 FR 1347; 9 January 2003). The EPA is extending for a period of 60 days the dates for a facility to amend its Spill Prevention, Control, and Countermeasure Plan and implement the amended Plan (or, in the case of facilities becoming operational after 16 August 2002, prepare and implement a Plan that complies with the newly amended requirements). The EPA is taking this action to avoid the flood of individual extension requests it has become apparent it will otherwise receive from regulated facilities, and to allow for adequate consideration of comments the agency expects to receive on a proposed one-year extension of the dates published at 67 FR 1352 on 9 January 2003. The effective date of this interim final rule was 9 January 2003. For further information, please contact Hugo Fleischman, EPA, at (703) 603-8769 or fleischman.hugo@epa.gov; or contact Mark W. Howard, EPA, at (703) 603-8715 or howard.markw@epa.gov.

EPA PROPOSED RULES

National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (67 FR 77829; 19 December 2002). The EPA is proposing NESHAPs for stationary reciprocating internal combustion engines with manufacturer's nameplate rating above 500 brake horsepower located at major sources of HAPs. The EPA has identified stationary reciprocating internal combustion engines as a major source category of HAP emissions such as formaldehyde, acrolein, methanol, and acetaldehyde. The proposed rule would implement section 112(d) of the Clean Air Act by requiring all major sources to meet HAP emission standards reflecting the application of the MACT for RICE. The EPA estimates that 40 percent of stationary RICE will be located at major sources and thus subject to the proposed rule. Comments are due by 18 February 2003, or by 20 February 2003 if a public hearing was requested by 8 January 2003. For further information, please contact Sims Roy, EPA, at (919) 541-5263 or roy.sims@epa.gov.

Withdrawal of Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation (67 FR 79020; 27 December 2002). The EPA is proposing to withdraw the final rule entitled "Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation" published in the *Federal Register* on 13 July 2000. The July 2000 rule amended and clarified existing regulations implementing a section of the Clean Water Act that requires states to identify waters that are not meeting applicable water quality standards and to establish pollutant budgets, called TMDLs, to restore the quality of those waters. The July 2000 rule also amended the EPA's NPDES regulations to include provisions addressing implementation of TMDLs through NPDES permits. The July 2000 rule has never become effective; it is currently scheduled to take effect on 30 April 2003. Regulations that the EPA promulgated in 1985 and amended in 1992 remain the regulations in effect for implementing the TMDL Program. The EPA is proposing to withdraw the July 2000 rule, rather than allow it to go into effect or again propose to extend its effective date. The EPA believes that significant changes would need to be made to the July 2000 rule before it could serve as the blueprint for an efficient and effective TMDL Program. Furthermore, the EPA needs additional time beyond April 2003 to decide whether and how to revise the currently effective regulations implementing the TMDL Program in a

way that will best achieve the goals of the CWA. Comments are due by 27 January 2003. For further information, please contact Francoise Brasier, EPA, at (202) 566-2385.

CREO Regional Counsel Comment: Based on information provided at a December 2002 meeting with Ms. Brasier, the EPA will likely propose revision to the TMDL program in early spring 2003. The following changes to the TMDL program are anticipated:

- There will be a substantially greater emphasis on watershed planning.
- The state 305(b) reports and 303(d) lists will be combined and the EPA will require reporting every four years rather than every two years.
- The definition of TMDL will not likely be changed, but states would be allowed to adjust the load and wastewater allocation between point sources and non-point sources after the EPA has approved the state's TMDL designation.

The CREO will continue to monitor the changes to the TMDL program as they develop and will alert you to such developments.

Prevention of Significant Deterioration and Non-attainment New Source Review: Routine Maintenance, Repair and Replacement (67 FR 80290; 31 December 2002). The EPA is proposing revisions to the regulations governing the NSR programs mandated by parts C and D of title I of the Clean Air Act. The proposed changes provide a future category of activities that would be considered to be routine maintenance, repair and replacement under the NSR program. Comments are due by 3 March 2003. A public hearing will be held if a request is made by 21 January 2003. For further information, please contact Dave Svendsgaard, EPA, at (919) 541-2380 or svendsgaard.dave@epa.gov.

Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities (67 FR 1352; 9 January 2003). The EPA is proposing to extend, by one year, the dates for a facility to amend its Spill Prevention, Control, and Countermeasure Plan, and implement the amended Plan (or, in the case of facilities becoming operational after 16 August 2002, prepare and implement a Plan that complies with the newly amended requirements). The EPA is proposing this extension to prevent the flood of individual extension requests it has become apparent the agency will otherwise receive. Comments must be received by 29 January 2003. For further information, please contact Hugo Fleischman, EPA, at (703) 603-8769 or fleischman.hugo@epa.gov; or contact Mark W. Howard, EPA, at (703) 603-8715 or howard.markw@epa.gov.

OTHER EPA ACTIVITY

Notice of Availability; Clean Water Act Section 303(d): Availability of 12 Modified Total Maximum Daily Loads (67 FR 77257; 17 December 2002). The EPA is announcing the availability for comment of the administrative record file for 12 modified TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act. These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al. v. Clifford et al.*, No. 96-0527, (E.D. La.). The comment period closed 16 January 2003. For further information, please contact Ellen Caldwell, EPA, at (214) 665-7513.

Notice of Availability; Clean Water Act Section 303(d): Final Agency Action on 37 Total Maximum Daily Loads (67 FR 77492; 18 December 2002). The EPA is announcing final agency action on 37 TMDLs prepared by EPA Region 6 for waters listed in the state of Arkansas, under section 303(d) of the Clean Water Act. These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al. v. Clifford, et al.*, No. LR-C-99-114. Documents from the administrative record files for the final 37 TMDLs, including TMDL calculations and responses to comments, may be viewed at <http://www.epa.gov/earth1r6/6wg/artmdl.htm>. For further information, please contact Ellen Caldwell, EPA, at (214) 665-7513.

Notice of Availability: Clean Water Act Section 303(d): Availability of 1 Total Maximum Daily Load (67 FR 77994; 20 December 2002). The EPA is announcing the availability for comment of the administrative record file for 1 TMDL and the calculations for this TMDL prepared by EPA Region 6 for waters listed in the Ouachita River Basin, under section 303(d) of the Clean Water Act. This TMDL was completed in response to a court order in the lawsuit styled *Sierra Club, et al. v. Clifford et al.*, No. 96-0527, (E.D. La.). Comments are due by 21 January 2003. For further information, please contact Ellen Caldwell, EPA, at (214) 665-7513.

Military Surface Coating Activities. Army Legal Counsel Comment: The EPA is planning to develop a HAP emissions standard that will specifically apply to the military's surface coating activities. An EPA source says the agency agreed to recognize military surface coating operations as a separate source category because otherwise many of the military's coatings would go unregulated. According to this source, the EPA expects to publish a notice in the *Federal Register* within the next two months listing military coatings operations as a separate source category regulated by the NESHAP. The agency will then have two years to issue a rule.

Redesignation of St. Louis Metropolitan Region. The St. Louis metropolitan region must be redesignated as a serious ozone nonattainment area, the U.S. Court of Appeals for the Seventh Circuit ruled 25 November 2002. In 1999, the EPA delayed the reclassification pending investigation of a study of whether the EPA could defer the attainment date for the city. The court concluded that Congress did not delegate EPA authority to extend attainment deadlines beyond the statutory two years provided in the Clean Air Act.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environment Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

STATE OF ARKANSAS LEGISLATIVE ACTIVITY

The Legislature convened 13 January 2003.

STATE OF ARKANSAS FINAL RULE

(UPDATE) **Revisions to Rule Regulating Water Operator Licensing (no citation yet).** ADEQ approved revisions to the regulations governing water operator licensing. The proposal would (1) create mandatory training prior to sitting for an exam; (2) require that approval of the Director of the Arkansas Department of Health must be obtained to take action against an operator's license; (3) modify the renewal requirements for the special purpose license; and (4) require operators to notify the Department when they change employment. The effective date of this rule was 1 January 2003. *For further information, please contact Martin Nutt, ADEQ, at (501) 661-2623.*

OTHER REGULATORY ACTIVITY

(NEW) **Revision of Pit Rules Regarding the Construction and Closure of Reserve Pits (no citation yet).** The Arkansas Oil and Gas Commission is discussing revising pit rules with respect to the construction and closure of reserve pits. Staff anticipate initiating formal rulemaking in early spring 2003. *For further information, please contact Grant Black at (870) 862-4965.*

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STATE OF LOUISIANA LEGISLATIVE ACTIVITY

The Legislature will convene 31 March 2003.

STATE OF LOUISIANA FINAL RULES

(UPDATE) **Procedure for Public Notification of Contamination (LAC 33:I.1).** LDEQ adopted an emergency rule that establishes procedures for notifying those members of the public that the Department determines are likely to be adversely affected by a release of hazardous substances or other pollutants. The regulation establishes a procedure for issuing a notice, prioritizing sites for provision of notice, and a schedule of applicable timeframes. The emergency rule became effective 7 November 2002, and will expire on 20 March 2003 if not made permanent by an additional rulemaking. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

(UPDATE) **Revision of the Definition of Major Source (LAC 33:III.502).** LDEQ adopted a revision of the "major source" definition. The revised definition removes the provisions that the Department must require that sources in categories subject to standards under Section 111 or 112 of the Clean Air Act include fugitive emissions in determining major source status. It also removes the phrase "but only with respect to those pollutants that have been regulated for that category," which previously existed in the definition of "major source." The effective date of this rule was 20 September 2002. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

(UPDATE) **Adoption of Federal Lead-Based Paint Regulations (LAC 33:III.2801-2811, 2817).** LDEQ adopted amendments to the air regulations governing lead-based paint. The revisions include (1) definitions; (2) clearance levels; and (3) other requirements to assimilate language from the federal lead-based paint activities rule amendments. The state has an EPA-authorized program and must incorporate the federal language into regulations to maintain program authorization. Other revisions were adopted that clarify requirements related to recognition of training providers and accreditation of individuals. The effective date of this rule was 20 November 2002. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

(UPDATE) **Correction to Federal Rules Incorporated by Reference (LAC 33:III.3003, 5116, 5112, 5311).** LDEQ adopted amendments to correct errors made in earlier rulemaking to update the incorporation by reference of 40 CFR Parts 60, 61, and 63. The earlier incorporation by reference rulemaking did not list new additions to the Code of Federal Regulations, 1 July 2001. The amendments adopted include the new additions. The effective date of this rule was 20 October 2002. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

(UPDATE) **Addition of Penalty Provision for "Fraudulent Takings" in the Waste Tire Regulations (LAC 33:VII.10505, 10519, 10525, 10537).** LDEQ adopted a penalty provision for "fraudulent takings" in the waste tire regulations. The rule adds definitions and provides descriptions of penalties for fraudulent takings. "Fraudulent takings" refers to the value gained from processing waste tires that are not eligible for the Waste Tire Program. Waste tires are coming from out-of-state into the Waste Tire Program. No fees are collected on these tires, but they enter the system and make their way to waste tire processors who are paid for the processing and marketing of these out-of-state tires. The effective date of this rule was 20 September 2002. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

(UPDATE) **Cooling Water Intake Structures for New Facilities (LAC 33:IX.2331, 2361, 2415, 2519).** LDEQ adopted regulations applicable to the cooling water intake structures for new facilities under LPDES. The rule is identical to federal regulations found in 40 CFR 122, 124, and 125, which are applicable in the state. The proposal adds water quality monitoring requirements for new facility cooling water intake structures and establishes design criteria for cooling water intake structures. The effective date of this rule was 20 August 2002. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

STATE OF LOUISIANA PROPOSED RULE

(NEW) **Revision to the Risk Evaluation Corrective Action Program (no citation yet).** LDEQ is proposing changes to the Risk Evaluation Corrective Action Program (RECAP). The changes will involve the implementation of ground water standards in addition to revisions of terminology. A hearing is scheduled for 24 January 2003. Comments are due by 20 February 2003. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

OTHER REGULATORY ACTIVITY

(UPDATE) **Small Construction General Permit.** LDEQ adopted a general small construction permit for stormwater. Coverage under this general permit is limited to storm water discharges from small construction activities (greater than one acre but less than five acres) to waters of the state. In accordance with Storm Water Phase II requirements, the applicability date of the permit shall be 10 March 2003. New discharges initiated after that date, which meet the eligibility requirements, will be automatically authorized under the permit without submitting a notice of intent, and all conditions and requirements of the permit are applicable. If the Department determines that coverage under the permit is inappropriate, submittal of an application for an individual LPDES permit may be required. *For further information, please contact Linda Gauthier, LDEQ, at (225) 765-0508.*

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NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO LEGISLATIVE ACTIVITY

The Legislature convened 12 January 2003.

STATE OF NEW MEXICO FINAL RULES

(UPDATE) **Biennial Review of the State Threatened and Endangered Species List (19 NMAC 33.6).** NMED has released the biennial review of the state threatened and endangered species list. The southern yellow bat was removed from the threatened list and the western yellow bat, *Lasiurus xanthius*, was added thereto. The Alamosa springsnail, *Pseudotryonia alamosae*, and the Koster's springsnail, *Juturnia kosteri*, were removed from the threatened list of mollusks and added to the endangered list. The effective date of the amendments was 14 November 2002. *For further information, please contact Chuck Hayes, NMED, at (505) 476-8102.*

(UPDATE) **Adoption of the Federal Drinking Water Regulations (20 NMAC 7.1).** NMED adopted federal drinking water regulations. The adoption codified the National Primary Drinking Water Regulations, 40 CFR Part 141, and the National Secondary Drinking Water Regulations, 40 CFR Part 143, promulgated through June 2002. The incorporated federal regulations replace a large portion of the existing state regulations that, for the most part, are identical in form and substance to the federal regulations. The revisions retain state primacy for the Drinking Water Program. The effective date of this rule was 4 December 2002. *For further information, please contact John Gillentine, NMED, at (505) 827-1400, ext. 1043.*

OTHER REGULATORY ACTIVITY

(NEW) **Cleanup Guidelines.** The New Mexico Energy, Minerals and Natural Resources Department is currently reviewing its cleanup regulation to determine where modifications are warranted. After the Department completes the internal review of its cleanup regulations, it will seek input from a contractor laboratory regarding cleanup. Staff report that total petroleum hydrocarbons standards may be modified. It is not clear whether guidelines or regulations will be forthcoming. Staff report that public meetings will be held throughout the state during 2003. *For further information, please contact Roger Anderson at (505) 476-3490.*

STATE OF OKLAHOMA LEGISLATIVE ACTIVITY

The Legislature will convene 3 February 2003.

STATE OF OKLAHOMA FINAL RULE

(UPDATE) **Revisions to the Drinking Water Regulations (OAC 252:631).** ODEQ adopted federal drinking water regulations in order to retain primacy over the state drinking water program. The proposal incorporated by reference 40 CFR Parts 141 and 143. The regulation modifies the fee rules to reflect the requirements of state law. The regulation groups rules for minor water systems into a new subchapter 5. The effective date of this rule is 14 July 2003 if not superseded or disapproved before then. *For further information, please contact Shellie Chard, ODEQ, at (405) 702-8154.*

STATE OF OKLAHOMA PROPOSED RULES

(NEW) **Commercial Pesticide Applicators Requirements (OAC 25:30-17).** The Oklahoma Department of Agriculture, Food and Forestry is proposing to require commercial applicators applying pesticides with special permits to use satellite tracking and provide these records to the Department within 14 days of application. The Department is also seeking to preclude the issuance of special permits to applicators who have "reoccurring violations." A public hearing has been held and the comment period is closed. *For further information, please contact Bill Taylor at (405) 522-6347.*

(NEW) **Adoption by Reference of Federal Stormwater Requirements (OAC 252:605-1-5, 1-9, and 252:648-1-3).** ODEQ is proposing to incorporate by reference the most recent version of the federal discharge and land application of biosolids regulations for operations of the federally delegated programs. One public hearing has already been held, and a second is scheduled for 28 February 2003; the comment period is closed. *For further information, please contact Shellie Chard, ODEQ, at (405) 702-8154.*

(UPDATE) **Revisions to the Title V Permit Program (OAC 252:4).** ODEQ has approved revisions to the Title V permit program. The draft revisions rectify deficiencies in the program identified by the EPA. The draft changes (1) provide adequate public notice by providing for identification of emissions change involved in any permit modification in the notice; (2) provide for approval of alternative emissions reduction authorization; and (3) allow for approval of plant wide emission plans. Staff report that the revisions were approved by the Department and that an effective date is anticipated in January 2003. *For further information, please contact Scott Thomas, ODEQ, at (405) 702-4100.*

(UPDATE) **Revision of the Water Quality Standards (OAC:252:45 and 46).** The Oklahoma Water Resource Board has proposed revisions to the state water quality standards. The areas considered for revision include (1) implementation of scenic river nutrient criteria; (2) groundwater standard revisions; (3) biological thresholds for additional ecoregions; and (4) several minor corrections and reorganization of Chapters 45 and 46. The Board is also discussing site-specific criteria for the Poteau River and potential wetlands beneficial use language. Public hearings have been held, and the comment period is closed. The Board may adopt the revisions at its 11 February 2003 meeting. *For further information, please contact Derek Smithee at (405) 530-8800.*

(UPDATE) **Revisions to Stack Testing Requirements (OAC 252:100-5-2.1, 100-5-2.3).** ODEQ is proposing revisions to the stack testing requirements. The revisions would establish testing requirements to verify the reported emissions for certain categories of fuel burning equipment. The categories are for equipment that operate under permit, but without emissions limits. The comments received and input from staff necessitated the proposal of a new section: 252:100-5-2.3. The Air Quality Commission was scheduled to hold a hearing on the proposed rules 15 January 2003. Comments were due by that date. *For further information, please contact Scott Thomas, ODEQ, at (405) 702-4100.*

(UPDATE) **Revisions to the Hazardous Waste Regulations Through the Adoption of Federal Amendments (OAC 252:205-3-1, 3-2, 3-3).** ODEQ is proposing the adoption of recent amendments to the federal hazardous waste regulations. The proposed amendment would incorporate by reference (1) 66 FR 58258-58300, regarding three newly listed hazardous wastes generated from inorganic chemical manufacturing processes; (2) 67 FR 2962-3029, regarding amendments to the Corrective Action Management Unit Rule; (3) 67 FR 11251-11254, regarding the classification of mineral processing characteristic sludges and by-products being reclaimed as solid wastes under RCRA's hazardous waste management regulations; and the decision that the Toxicity Characteristic Leaching Procedure may not be used for determining whether manufactured gas plant waste is hazardous under RCRA; and (4) 67 FR 17119-17120, regarding corrections to 66 FR 58258-58300. Public hearings are scheduled for 16 January 2003 and 28 February 2003; comments were due by 15 January 2003. *For further information, please contact Catherine Sharp, ODEQ, at (405) 702-5100.*

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TEXAS

Legislative/Regulatory Activity

STATE OF TEXAS LEGISLATIVE ACTIVITY

The Legislature convened 14 January 2003.

STATE OF TEXAS FINAL RULE

(UPDATE) **Revision to the Environmental Lead Reduction Regulations (25 TAC 1-295).** The Texas Department of Health readopted its lead regulations. The Department's revisions include amendments to (1) definitions, (2) the certification process, and (3) references to methodologies and procedures. The effective date of this rule is 1 September 2003. *For further information, please contact Susan Steeg at (512) 458-7236.*

OTHER REGULATORY ACTIVITY

(NEW) **TMDL Development for Armand Bayou.** TCEQ is drafting a TMDL for Armand Bayou, as water quality testing found that (1) bacteria levels are occasionally elevated, indicating a potential health risk to people who swim or wade in the bayou; and (2) low dissolved oxygen levels in the water may occasionally stress the fish community and other aquatic life. The TMDL project has been initiated to determine the extent and severity of the low dissolved oxygen levels and the appropriateness of the water quality standard. No regular schedule has been established. *For further information, please contact Larry Koenig, TCEQ, at (512) 239-4533.*

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites

Iowa Department of Natural Resources (IDNR)	http://www.state.ia.us/dnr/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

IOWA

Legislative/Regulatory Activity

STATE OF IOWA LEGISLATIVE ACTIVITY

The Legislature convened 13 January 2003.

STATE OF IOWA FINAL RULES

(UPDATE) **Definition of Stationary Source Categories (567 IAC 22).** IDNR has adopted changes to Chapter 22 that modify the definition of "stationary source category." The modification includes a clarification to the federal regulations that was published on 27 November 2001. The change consists of deleting the requirement that owners/operators of sources count certain fugitive emissions of air pollutants not listed in the Clean Air Act as a toxic air pollutant when determining whether their facility is a major source subject to the Title V permit program. The effective date of this rule was 15 January 2003. *For further information, please contact Corey McCoid, IDNR, at (515) 281-6061.*

(UPDATE) **Revisions to Sanitary Landfill Regulations and Solid Waste Management Facility Design Regulations (567 IAC Chapters 103, 110, 112-115).** IDNR is proposing amendments to its sanitary landfill regulations and to its solid waste management facility construction and design regulations. The proposed changes would (1) amend Chapter 102, Permits; (2) rescind Chapter 103, Sanitary Landfills, and adopt a new Chapter 103, Sanitary Landfills: Coal Combustion Residue; (3) amend Chapter 109, Special Waste Authorizations; (4) amend Chapter 110, Design, Construction and Operation Standards for Solid Waste Management Facilities; (5) amend Chapter 111, Financial Assurance Requirements for Municipal Solid Waste Landfills; (6) adopt a new Chapter 112, Sanitary Landfills: Biosolids Monofills; (7) adopt a new Chapter 113, Sanitary Landfills: Municipal Solid Waste; (8) adopt a new Chapter 114, Sanitary Landfills: Construction and Demolition Wastes; and (9) adopt a new Chapter 115, Sanitary Landfills: Industrial Monofills. The Energy and Waste Management Bureau will be revising the rules pertaining to the permitting, design and operation of all sanitary landfills. The first stage in the landfill chapter revision process is to break out the current requirements by landfill type without making any changes to actual rule requirements. Current Chapter 110, "Design, Construction and Operation Standards For Solid Waste Management Facilities" will be renamed to Chapter 110, "Hydrogeologic Investigation and Monitoring Requirements," which is a more accurate description of the regulatory requirements described therein. The rulemaking also corrects and updates several references in these chapters, and removes references that are no longer applicable. In addition, references to the chapters described herein contained in other solid waste related rules are revised to reflect this rulemaking. Again, these changes and revisions do not affect or change any of the current regulatory requirements, and the Energy and Waste Management Bureau believes they are the minimum administrative code editing changes necessary. The effective date of this rule was 15 January 2003. *For further information, please contact Jeff Myram, IDNR.*

STATE OF IOWA PROPOSED RULE

(NEW) **Beneficial Use Determinations: Solid Byproducts as Resources and Alternative Cover Material (567 IAC 108).** IDNR is proposing to rescind the existing Chapter 108, Reuse of Solid Waste and adopt a new Chapter 108, Beneficial Use Determinations: Solid Byproducts as Resources and Alternative Cover Material. This proposed rulemaking updates and expands the rules pertaining to the beneficial reuse to incorporate new beneficial uses for solid byproducts and the Department's permitting experiences. Numerous universally approved beneficial uses are authorized in the chapter, and an application process for new beneficial use determinations has been created. A public hearing has been held and the comment period is closed. *For further information, please contact Jeff Myrom, IDNR, at (515) 281-3302.*

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KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS LEGISLATIVE ACTIVITY

The Legislature convened 13 January 2003.

STATE OF KANSAS FINAL RULES

(UPDATE) **Kansas Surface Water Registry (KAR 28-16-28b).** KDHE has completed the requirements of Senate Bill 204, which required the Department to review all stream segments listed in the 1999 Kansas Surface Water Registry to determine whether the stream segments meet the requirements of "classified stream segments." The bill also requires that the Department review all stream segments to determine if they are inhabited by threatened or endangered species. The Department was required to review the stream segments to determine if scientific studies conducted by the Department actually show that pooling of water during periods of zero flow provide refuges for aquatic life. In addition, the Department was required to make publicly available a listing of currently classified streams for which (1) designated use attainability analyses for recreational use have been completed; (2) recreational use has been determined not attainable; or (3) designated use attainability analyses for recreational use have not been completed. The effective date of this rule was 3 January 2003. *For further information, please contact Craig Thompson, KDHE, at (785) 296-5569.*

(UPDATE) **Prevention of Significant Deterioration Regulations (KAR 28-19-350, 28-19-17).** KDHE has adopted a new regulation and amendments to existing regulations regarding Prevention of Significant Deterioration. The new regulation (KAR 28-19-350) seeks to clarify that the state PSD program is consistent with the federal PSD program. This clarification will also show that the state has adopted regulations consistent with the federal regulations relating to the PM10 increment; clean coal technology exemptions to the definition of major modification; other control technology exemptions to the definition of major modification; incorporation of the Wisconsin Electric Power Company (WEPCO) decision into the PSD definitions; significance levels for emissions of non-methane organic compounds from municipal solid waste landfills; and significance levels for emissions of specified organics, metals and acid gases from municipal waste combustors. The amendments change the citations located in KAR 28-19-17 to reflect the addition of 28-19-350. The effective date of this rule was 22 November 2002. *For further information, please contact Ralph Kieffer, KDHE, at (785) 296-6428.*

(UPDATE) **Amendments to Regulations Concerning Childhood Lead Poisoning Prevention (KAR 28-72-1 et seq.).** KDHE has adopted amendments to its regulations concerning childhood lead poisoning prevention. These amendments implement statutory changes enacted during the 1999 session of the Legislature. The amendments address new hazardous levels for lead in dust and soil as established by the EPA, change wording requirements to be consistent with federal regulations and update to current regulatory language. The amendments would also change the abatement notification fee from 1 percent of the cost of each abatement project to 1 percent of the cost of each abatement project or \$50 for each abatement project, whichever is greater. There would be less than \$1000 revenue generated from this amendment. The effective date of this rule was 6 December 2002. *For further information, please contact Tom Morey, KDHE, at (785) 368-7154.*

OTHER REGULATORY ACTIVITY

(UPDATE) **Amendments to Construction Demolition Regulations (no citation yet).** KDHE is considering amendments to its construction demolition regulations. Staff report that the revisions will likely be minor, and will involve restrictions on introducing certain materials into landfills. Staff report that the progress on this rulemaking has been delayed, that the Department now expects to issue a proposal in early 2003, and that a final rule should be adopted by summer 2003. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

(NEW) **Triennial Review of Water Quality Standards.** KDHE is conducting its triennial review of water quality standards. The Department created a focus group that defined six key issues related to the water quality standards. The six key issues are (1) atrazine; (2) bacteria; (3) high flow; (4) natural pollutants; (5) nutrients; and (6) site-specific concerns. The Department then wrote White Papers for each of the key issues. The Department held public hearings on 14 and 15 January 2003, and another hearing is scheduled for 22 January 2003. Comments are due by 22 January 2003. The Department expects to propose revisions in September 2003. *For further information, please contact Amy Williams, KDHE, at (785) 296-5506.*

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STATE OF MISSOURI LEGISLATIVE ACTIVITY

The Legislature convened 8 January 2003. Governor Holden has pledged that his priority issues of 2003 will be budget constraints, security, and economic development. In addition to the budget, the Legislature will likely focus on education, transportation, public safety and public health.

House Bill 83 – Scrap Tires. This bill relates to the changing of the expiration date of waste tires. The bill text is not yet available.

Senate Bill 25 – Environmental Administrative Procedures. This bill revises the appeals process for appeals on environmental issues. The bill states that appeals of environmental issues will be conducted by the Administrative Hearing Commission, and expands the Commission from three members to four members, with one member having an interest in and knowledge of environmental issues. The bill also outlines the appeal process. The bill text is not yet available.

Senate Bill 36 – Environmental Administrative Procedures. This bill requires all regulations promulgated by MDNR, Hazardous Waste Management Commission, State Soil and Water Districts Commission, Petroleum Storage Tank Insurance Fund Board, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission, and Clean Water Commission to be based on sound science. The bill requires MDNR to prepare a risk assessment and cost-benefit analysis for all rules promulgated by the referenced agencies. The bill text is not yet available.

Senate Bill 38 – Alternative Fuels. This bill creates the “Missouri Biomass Technology Commission.” The bill charges the Commission with developing a comprehensive guide to alternative energy development, production and use. The Commission expires on 30 June 2005. The bill text is not yet available.

Senate Bill 54 – Inspection and Maintenance Programs. This bill allows vehicle emissions tests for residents in Franklin County to be conducted on a biennial basis. The bill increases the maximum testing fee to \$24 from \$10.50. The bill text is not yet available.

Senate Bill 92 – Lead Abatement. This bill regulates the prevention and screening of lead poisoning. The bill text is not yet available.

Senate Bill 102 – Exotic Nuisance Species. This bill creates the Invasive Species Council. The bill requires state agencies whose actions affect invasive species to attempt to prevent further impacts of invasive species and not act in ways that create further impacts of invasive species. The bill states that the Council will oversee the implementation of the act, encourage planning, develop recommendations, facilitate sharing of information, and create and update an Invasive Species Management Plan. The bill text is not yet available.

Senate Bill 103 – Scrap Tires. This bill extends the sunset on the fee for waste tires to 2014. The bill text is not yet available.

Senate Bill 121 – Scrap Tires. This bill extends the sunset on the fee for waste tires to 2011. The bill text is not yet available.

STATE OF MISSOURI FINAL RULES

(UPDATE) **Revisions to the Kansas City and St. Louis Metropolitan Area Maintenance SIPs (10 CSR 10-2.080, 10-5.180, 10-6.220).** MDNR adopted revisions to the Kansas City Maintenance and St. Louis Metropolitan Area SIPs. The revisions rescind 10 CSR 10-2.080 and 10 CSR 10-5.180. These rules prohibited the emission of excessive visible air contaminants from an internal combustion engine. The rule was obsolete and superseded by the newer opacity rule, 10 CSR 10-6.220. The Department adopted revisions to 10 CSR 10-6.220, Restriction of Emissions of Visible Air Contaminants. The revisions remove outdated sections and extend the rule to cover all of the state. The effective date of this rule was 30 October 2002. *For further information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.*

(UPDATE) **Revisions to Particulate Matter Regulations for Fuel Burning Equipment Used for Indirect Heating (10 CSR 10-3.060, 10-4.040).** MDNR has adopted revisions to particulate matter regulations for fuel burning equipment used for indirect heating. The amendment makes the maximum allowable emissions of particulate matter from fuel burning equipment for indirect heating in the Outstate Area consistent with the other indirect heating regulations and eliminate conflicting requirements. A review of affected sources concluded that deleting this exemption does not cause any affected sources to change work practices or add additional control devices. The revision to the maximum allowable emissions of particulate matter from fuel burning equipment for indirect heating in the Springfield-Greene County area deletes the existing single emission limit for indirect heating sources and replaces it with one limit for existing sources and another limit for new sources to make it consistent with the Outstate regulation. The limit for new indirect heating sources is more stringent than the limit it replaces. The Department reports that all affected sources meet the more stringent limit with existing control devices and work practices. The regulation was published in the *Missouri Register* 15 October 2002 and had an anticipated effective date of 30 November 2002. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

(UPDATE) **Rescission of Regulations for the Control of Gasoline Reid Vapor Pressure in the St. Louis Ozone Nonattainment Area (10 CSR 10-5.443).** MDNR rescinded the regulations for control of gasoline reid vapor pressure in the St. Louis Metropolitan Area. The rule limited the volatility of motor vehicle gasoline in the St. Louis ozone nonattainment area. The rule was rescinded because federal reformulated gasoline has been required at retail stations in the area. The requirement of RFG satisfies the requirements for the nonattainment area. The effective date of this rule was 2 December 2002. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

(UPDATE) **Generation or Use of Emission Reduction Credits by Permitted Facilities (10 CSR 10-6.060, 10-6.410).** MDNR has adopted an emissions banking and trading rule. The rule creates a program whereby certain installations may generate and use emission reduction credits. An installation is eligible to participate in the program if it (1) emits more than 10 tons per year for a criteria pollutant or its precursors; (2) has an operating permit as specified in 10 CSR 10-6.065; and (3) is located in a nonattainment or maintenance area. After successfully establishing an account with MDNR, a source may generate an ERC by reducing emissions. Participants may then transfer, buy, sell, trade, or otherwise convey ERCs to another account holder. Further, ERCs may be used to offset emissions that are anticipated. The Department adopted the rule 5 December 2002, and anticipates an effective date in March 2003. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

(UPDATE) **Revision of Hazardous Waste Fees and Taxes for Generators (10 CSR 25-12.010[1][A] and [2]).** MDNR adopted an increase in the hazardous waste generator fee. The Department adopted an annual 2.55 percent increase to the generator category tax. This increase is meant to account for inflation. The Department increased the multiplier used to calculate the fee for the review by Department engineers of correction plans from 2.5 to 3.5. The effective date of this rule was 30 November 2002. *For further information, please contact Tim Eiken, MDNR, at (573) 522-8057.*

STATE OF MISSOURI PROPOSED RULE

(UPDATE) **Title V Operating Permit Program (10 CSR 10-6.065).** MDNR has adopted amendments to its Title V air operating permit program. The amendments include (1) modifying the acid rain portion of the operating permit to conform with the federal rules, (2) including a certification requirement as part of the application for minor permit modifications, (3) requiring that "off-permit" work be noticed contemporaneously to the Department and the EPA, and (4) establishing Title V emission or potential-to-emit thresholds for sources in ozone transport areas, areas classified as in "serious" nonattainment for carbon monoxide, and areas classified as in "serious" nonattainment for particulate matter 10 microns. The proposed permit was adopted by the Air Conservation Commission at its meeting on 5 December 2002. *For further information, please contact Wayne Grath, MDNR, at (573) 751-4817.*

OTHER REGULATORY ACTIVITY

(UPDATE) **Adoption of the Federal Long Term 1 Enhanced Surface Water Treatment Rule.** MDNR is discussing the adoption of the federal Long Term 1 Enhanced Surface Water Treatment Rule. The rule would require surface water systems serving a population of less than 10,000 to meet stricter turbidity standards. The new turbidity standards would closely mirror the turbidity standards currently required of the large surface water systems serving more than 10,000. There is also discussion of establishing disinfection profiling provisions for those water systems with elevated disinfection byproducts. Staff report that publication of a proposed regulation is expected in April 2003.

Staff anticipate holding a hearing 22 May 2003 and accepting comments until 1 July 2003. *For further information, please contact Linda McCarty, MDNR, at (573) 751-5331.*

(UPDATE) **Adoption of the Federal Arsenic Standard.** MDNR is proposing the adoption of the federal arsenic standard. The Department needs to adopt the standard in order to retain primacy over the drinking water program. Staff report that publication of a proposed regulation is expected in April 2003. Staff anticipate holding a hearing 22 May 2003 and accepting comments until 1 July 2003. *For further information, please contact Ken Duzan, MDNR, at (573) 751-5331.*

(UPDATE) **Revisions to the Public Notice Requirements for Public Water Systems.** MDNR has released draft revisions to the public notice requirements for public water systems. The draft is based on the EPA rule published 4 May 2000 and establishes (1) a 24-hour notice requirement for acute health risks, (2) public notice within 30 days for non-acute MCL violations, and (3) annual requirements. The draft does not include a flowchart for boil water orders. Staff report that the proposed rule was approved 12 November 2002, and publication of the proposed regulation is expected in April 2003. Staff anticipate holding a hearing 22 May 2003 and accepting comments until 1 July 2003. *For further information, please contact Pattie Richie, MDNR, at (573) 751-5331.*

(UPDATE) **Review of the Aboveground and Underground Storage Tank Regulations.** MDNR is discussing a review to the AST and UST regulations. Despite ongoing discussion, no formal rulemaking process is anticipated. *For further information, please contact Tim Eiken, MDNR, at (573) 522-8057.*

(UPDATE) **Design Guides for Community and Non-Community Water Systems.** MDNR released a draft guide for water systems. The draft incorporates standards that would apply to both community and non-community water systems. The guide incorporates standards for (1) design criteria, (2) security, (3) monitoring and reporting, (4) disinfection, and (5) siting standards. Staff report that this rulemaking has been withdrawn, although the regulatory issues may be revisited in 18 to 24 months. *For further information, please contact Mike Logston, MDNR, at (573) 751-5331.*

(UPDATE) **Assessment of Voluntary Cleanup Program.** MDNR is hosting a stakeholder workshop regarding the efficacy of the state's Voluntary Cleanup Program. The overall goals are making the process more efficient and encouraging additional sites to enroll in the Department's Voluntary Cleanup Program to get sites cleaned up and to spur economic and community development. Improving the process could benefit communities as a whole as well as real estate developers, property owners, environmental consultants, environmental attorneys, lenders and city and county governmental Brownfield coordinators. A stakeholder meeting is scheduled for 22 January 2003 in St. Louis, Missouri. A date for a stakeholder meeting to be held in Kansas City, Missouri, has not yet been determined. *For further information, please contact Renee Bungart, MDNR, at (573) 751-4465.*

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NEBRASKA

Legislative/Regulatory Activity

STATE OF NEBRASKA LEGISLATIVE ACTIVITY

The Legislature convened 8 January 2003.

STATE OF NEBRASKA FINAL RULE

(UPDATE) **Revisions to the Pesticides Regulations (Title 25, chapter 2).** NDEQ revised the regulations governing pesticides. The revisions (1) update the fees to reflect statutory requirements, (2) add training categories related to types of applications performed by license holders, (3) allow noncertified applicators to be supervised by someone three hours away, (4) describe the guidance required for noncertified applicators, (5) add recordkeeping requirements for dealers who see restricted use pesticides, (6) modify the way fines for violation are calculated, (7) provide that minimum rates set on labels for termiticides must be followed, (8) define the term use, (9) include a description of how technical interpretations are to be used, and (10) clarify language regarding emergency exemptions and reciprocal licenses. The effective date of this rule was 20 November 2002. *For further information, please contact Tim Creger, NDEQ, at (402) 471-2394.*

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Acronyms and Abbreviations

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
USAEC = U.S. Army Environmental Center
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology
ANSI = American National Standards Institute
APA = American Planning Association
AQCR = Air Quality Control Region
AST = aboveground storage tank
AWMA = Air & Waste Management Association
CAA = Clean Air Act
CADD = computer-aided design and drafting
CAM = compliance assurance monitoring
CAMU = corrective action management unit
CARB = California Air Resources Board
CBT = computer-based training
CCAR = Coordinating Committee for Automotive Repair
C&D = construction and demolition
CECOS = Civil Engineer Corps Officers
CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
CESQG = conditionally exempt small-quantity generator
CFC = chlorofluorocarbon
CFR = Code of Federal Regulations
CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine
CISWI = commercial and industrial solid waste incinerator
CO = carbon monoxide
CREO = Central Regional Environmental Office
CSR = Code of State Regulations
CTT = closing, transferring and transferred ranges
CWA = Clean Water Act
DAC = Defense Ammunition Center
DENIX = Defense Environmental Network & Information eXchange
DERP = Defense Environmental Restoration Program
DFW = Dallas/Fort Worth
DoD = U.S. Department of Defense
DOE = U.S. Department of Energy
DOI = U.S. Department of Interior
DOT = U.S. Department of Transportation
DRMS = Defense Reutilization and Marketing Service
DSMOA = Defense/State Memorandum of Agreement
EA = environmental assessment
ECAS = Environmental Compliance Assessment System
ECHO = Enforcement and Compliance History Online
ECOS = Environmental Council of the States
ECSR = Environmental Compliance Status Report
EIS = environmental impact statement
EMR = environmental management review
EMS = environmental management system
EO = executive order
EPA = U.S. Environmental Protection Agency
EPAS = Environmental Performance Assessment System
EPCRA = Emergency Planning and Community Right-to-Know Act
ER = environmental restoration
ERC = emission reduction credit
ERTP = Environmental Response Training Program
ETMD = Environmental Training and Management Division
EVR = enhanced vapor recovery
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act

FFEO = Federal Facilities Enforcement Office
 FM = facilities management
 FR = Federal Register
 FS = feasibility study
 FUDS = Formerly Used Defense Sites
 FY = fiscal year
 GAO = General Accounting Office
 GIS = geographic information system
 GSA = General Services Administration
 HAP = hazardous air pollutant
 HAZMAT = hazardous materials
 HB = House Bill
 HGA = Houston/Galveston Area
 HM = hazardous material
 HMIRS = Hazardous Materials Information Resource System
 HMIWI = hospital/medical/infectious waste incinerator
 HQ = headquarters
 IAC = Iowa Administrative Code
 IDNR = Iowa Department of Natural Resources
 I&M = inspection and maintenance
 IMI = Installation Management Institute
 ISO = International Organization for Standardization
 ISR = Installation Status Report
 ITRC = Interstate Technology Regulatory Council
 KAR = Kansas Administrative Rules
 KCMA = Kansas City Metropolitan Area
 KDA = Kansas Department of Agriculture
 KDHE = Kansas Department of Health and Environment
 kW = kilowatt
 LAC = Louisiana Administrative Code
 LDEQ = Louisiana Department of Environmental Quality
 LDR = land disposal restriction
 LPDES = Louisiana Pollutant Discharge Elimination System
 LPST = leaking petroleum storage tank
 LT1 = Long Term 1
 LUC = land use controls
 LUST = leaking underground storage tank
 MACT = maximum achievable control technology
 MCL = maximum contaminant level
 MDNR = Missouri Department of Natural Resources
 MDS = minimum desirable streamflow
 MEG = Missouri Environmental Group
 mg/L = milligram per liter
 mg/yr = megagrams per year
 mph = mile per hour
 MP&M = metal products and machinery
 M2R = Military Munitions Rule
 mrem/yr = millirem per year
 MS4 = municipal separate storm sewer system
 MSDS = material safety data sheet
 MSWG = Multi-State Working Group
 MSWLF = municipal solid waste landfill
 MSWTS = municipal solid waste transfer station
 MTBE = methyl tertiary butyl ether
 MVECP = Motor Vehicle and Engine Compliance Program
 NAAQS = National Ambient Air Quality Standard
 NDEQ = Nebraska Department of Environmental Quality
 NDIA = National Defense Industrial Association
 NEPA = National Environmental Policy Act
 NESHAP = National Emission Standards for Hazardous Air Pollutants

NFPA = National Fire Protection Association
 NGWA = National Ground Water Association
 NHPA = National Historic Preservation Act
 NMAC = New Mexico Administrative Code
 NMED = New Mexico Environment Department
 NOx = nitrogen oxides
 NORM = naturally occurring radioactive material
 NPDES = National Pollutant Discharge Elimination System
 NRC = Nuclear Regulatory Commission
 NREO = Northern Regional Environmental Office
 NSP = new source performance
 NSR = new source review
 OAC = Oklahoma Administrative Code
 ODEQ = Oklahoma Department of Environmental Quality
 OE = ordnance and explosives
 ORVR = onboard refueling vapor recovery
 OSHA = Occupational Safety and Health Administration
 OSPRA = Oil Spill Prevention and Response Act
 OSSF = on-site sewage facility
 P2 = pollution prevention
 PASS = Permit Application Software System
 PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 P.L. = public law
 PM = particulate matter
 POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 RACM = reasonably available control measures
 RACT = reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 REC = Regional Environmental Coordinator
 RFG = reformulated gasoline
 RI = remedial investigation
 RICE = reciprocating internal combustion engine
 ROD = record of decision
 SAME = Society of American Military Engineers
 SB = Senate Bill
 SDWA = Safe Drinking Water Act
 SDWIS = Safe Drinking Water Information System
 SERDP = Strategic Environmental Research and Development Program
 SIP = State Implementation Plan
 SPCC = Spill Prevention, Control, and Countermeasure
 SREO = Southern Regional Environmental Office
 TAC = Texas Administrative Code
 TBD = to be determined
 TCEQ = Texas Commission on Environment Quality
 TCM = transportation control measure
 TERP = Texas Emissions Reduction Plan
 TIM = Transformation of Installation Management
 TMDL = total maximum daily load
 TPDES = Texas Pollutant Discharge Elimination System
 TRI = Toxics Release Inventory

TRI-DDS = Toxics Release Inventory – Data Delivery System
TRRP = Texas Risk Reduction Program
TSCA = Toxic Substances Control Act
tpy = tons per year
TXEP = Texas Environmental Partnership
UIC = underground injection control
USACE = U.S. Army Corps of Engineers
U.S.C. = United States Code
USFWS = U.S. Fish and Wildlife Service
USGS = U.S. Geological Survey
UST = underground storage tank
UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office

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